

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEBORAH H. BEATON,

Plaintiff,

v.

JPMORGAN CHASE BANK N.A., et
al.,

Defendants.

CASE NO. C11-872RAJ

ORDER

The court has received Plaintiff's complaint for declaratory and injunctive relief (Dkt. # 1). The complaint requests a temporary and permanent injunction restraining a trustee's sale of Plaintiff's property allegedly scheduled to occur on June 3, 2011. Plaintiff has attached a copy of the notice of trustee's sale to her complaint, but that notice indicates that the sale is set for March 18, 2011. *See* Complaint, Ex. D. The court's review of the King County Recorder's Office web site reveals no subsequent notices rescheduling the sale to June 3 or any other date.

The court enters this order to clarify the posture of this lawsuit for Plaintiff, who is proceeding *pro se*. Plaintiff has not filed a separate motion for injunctive relief, which makes it difficult to ascertain exactly what relief Plaintiff seeks and on what basis she believes such relief is warranted. *See Winter v. Natural Res. Def. Council*, 555 U.S. 7

1 (2008) (explaining the factors a court should consider when deciding whether to grant
2 injunctive relief). There is also no evidence in the record that the Defendants have
3 received notice of this lawsuit or of Plaintiff's requests for injunctive relief. *See* Fed. R.
4 Civ. P. 65(a) (providing that the court cannot enter a preliminary injunction without
5 notice to the adverse party). Though the court may enter a temporary restraining order
6 without notice to an adverse party, the moving party must show that "immediate and
7 irreparable injury, loss, or damage will result to the movant before the adverse party can
8 be heard in opposition," and describe in writing "any efforts made to give notice and the
9 reasons why notice should not be required." Fed. R. Civ. P. 65(b)(1)(A)-(B).

10 Under these circumstances, the court will not take any further action regarding
11 Plaintiff's complaint at this time. Plaintiff may, of course, move for relief or otherwise
12 clarify her request for relief in accordance with the court's guidance in the previous
13 paragraph.

14 Dated this 25th day of May, 2011.

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18 The Honorable Richard A. Jones
19 United States District Judge
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